

ORDER GRANTING PETITION FOR ANNEXATION  
TO NORTH KOOTENAI WATER DISTRICT

Kootenai County, Idaho

CORBIN HILLS ANNEXATION

84  
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MAY 12 2009  
TECHNICAL SUPPORT

THE BOARD OF DIRECTORS (the "Board") OF NORTH KOOTENAI DISTRICT (the "District") makes the following findings relative to a Petition for Annexation presented to the Board:

(1) The District is a validly formed water district under and by virtues of the laws of the State of Idaho.

(2) The owners of certain real property located in Kootenai County, Idaho, generally adjacent to the boundaries of the District, filed a Petition for Annexation with the District which complied with the requirements of Idaho Code §42-3218(a) (a copy of the Petition and attachments thereto are attached hereto as Exhibit "A" as though fully set forth herein).

(3) After a thorough examination and review by the Board and its consultants, it was established that the Petitions were executed by more than 60% of the property owners in the area covered by the annexation. (The area covered by the annexation is set forth in the map attached hereto and incorporated herein by this reference as Exhibit "B".)

(4) The Board set a public hearing on the Petition for Annexation.

(5) The public hearing was set for April 3, 2008, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on March 20, 2008, and March 27, 2008. (A copy of the Notice and Affidavit of Publication are attached hereto and incorporated herein by this reference as Exhibit "C".) At this public hearing the Board and its consultants were prepared to respond to any questions or issues raised.

(6) The Board has assumed, pursuant to the provisions of Idaho Code Section 42-3218(b) that the failure of any other individuals to show cause in writing as to the annexation of the property described in Exhibit "B", is deemed as their assent.

(7) The Board, after consideration of the records and files herein and the public health and safety of the current and future residents and businesses in the District and the area proposed for annexation, find it in the best interests of the District its residents and those who are in the area to be annexed into the District, to annex the area covered by the Petition.

(8) Subject to the conditions placed on the annexation by the District, the real property described in the map attached hereto as Exhibit "B" and legally described in Exhibit

DANIEL J. ENGLISH 10P I 2210570000  
KOOTENAI CO. RECORDER Page 1 of 10  
BBB Date 05/08/2009 Time 15:44:54  
REC-REQ OF NORTH KOOTENAI WATER DIS  
RECORDING FEE: 30.00  
2210570000 XK

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"D" attached hereto is hereby incorporated into the District as of the date this Order is filed with the District Court Clerk.

(9) The Secretary of the District is hereby directed to file this Order in the records of the District and transmit this Order and all the attachments thereto to the District Court Clerk for presentation to the District Court for signature for filing pursuant to Idaho Code §42-3218(b).

(10) Conditions: This annexation is conditioned upon completion of the following:

That the petitioners property owners will complete and pay for certain improvements to the specifications and requirements of the District (at their sole discretion) in order to provide service to the property included in this annexation.

Should it be later determined that one or more of the above conditions has not been satisfactorily achieved, the Board shall have the right to remove or deannex this property from the boundaries of the District.

This Order is adopted by a majority vote of the Board of Directors at a meeting on April 3, 2008.

NORTH KOOTENAI WATER DISTRICT

By: Thomas Orr  
Chairman, Board of Directors

ATTEST:

Baird  
Secretary

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## **LIST OF EXHIBITS**

- A. Petition requesting annexation (included legal description in body of Petition)
- B. Map of the area to be annexed
- C. Notice and Affidavit of Publication of Public Hearing

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Michael C. Ormsby, ISB #4013

**KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP**

1200 W. Ironwood Dr., Suite 315

Coeur d'Alene, ID 83814

Telephone: (208) 667-1839

Facsimile: (208) 666-9868

Email: [mike.ormsby@klgates.com](mailto:mike.ormsby@klgates.com)

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**MAY 12 2009**

**TECHNICAL SUPPORT**

Attorney for North Kootenai Water District

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT

STATE OF IDAHO, IN AND FOR KOOTENAI COUNTY

In the Matter of:

NORTH KOOTENAI WATER DISTRICT,

PETITION FOR ANNEXATION

Come now the undersigned, being all the owners of the parcel of real property in Kootenai County, Idaho, described particularly as:

**Legal Description**

A parcel of land being Government Lots 4 and 5 and a portion of the Southwest Quarter of Section 4, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, as shown on the Record of Survey, recorded in Book 14, Page 85, Records of Kootenai County, and being more particularly described as follows:

**Beginning** at the Northwest corner of Section 4, monumented by a 2 1/2in. brass cap, from which the West Quarter corner bears S01°53'52"W a distance of 2668.14 feet to a 1/2 in. rebar at the centerline of Corbin Hill Road;

Thence, along the North line of said Section 4, N89°41'26"E a distance of 1302.34 feet to a 5/8in. rebar marked RLS 4194;

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Thence, leaving said North line, along the East lines of said Government Lots 4 and 5, S00°26'25"W a distance of 2684.63 feet, to a 5/8in. rebar marked RLS 4194, said point also being the Southeast corner of said Government Lot 5;

Thence, along the South line of said Government Lot 5, N89°33'37"W a distance of 1005.30 feet to a 5/8in. rebar marked NOBIS LS 687;

Thence, leaving said South line, S02°35'42"W a distance of 596.87 feet to a 5/8in. rebar marked NOBIS LS 687;

Thence, N89°54'33"W a distance of 364.25 feet to a 5/8in. rebar marked NOBIS LS 687, said point being on the West line of the Southwest Quarter;

Thence, along said West line, N02°31'50"W a distance of 600.00 feet to said West Quarter corner;

Thence, along said West Section line, N01°53'52"E a distance of 2668.14 to the **True Point of Beginning.**

Said parcel containing 86.90 acres of land, more or less.

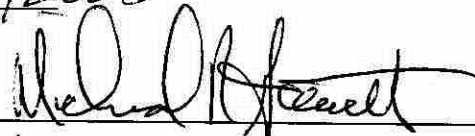
who individually and collectively pray that such property be annexed and included in the North Kootenai Water District upon adoption of a resolution to such effect by the Board of Directors of said District.

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As specified by Idaho Code Section 42-3218, a filing fee in the amount of \$500.00, representing the costs of filing, publication and processing of the petition accompanies the petitioners' submission of the request to the District.

Dated this 15 day of February, 2008

By:   
Michael R. Garrett, Property Owner  
(Print Name)

STATE OF IDAHO )

)ss.

County of Kootenai )

On this 15<sup>th</sup> day of February 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Michael Garrett, known or identified to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledge to me that they executed the same.



  
Notary Public

Danielle Touchton  
[Printed Name]

My appointment expires: 9/26/2011

[Seal or Stamp]

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Dated this 15<sup>th</sup> day of February, 2008

(24)

By: *Randall G. Cox*

RANDALL G. COX, Property Owner  
(Print Name)

STATE OF IDAHO )

)ss.

County of Kootenai )

On this 15<sup>th</sup> day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Randall G. Cox, known or identified to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledge to me that they executed the same.



*Danielle Touchton*  
Notary Public

Danielle Touchton  
[Printed Name]

My appointment expires: 9/26/2011

[Seal or Stamp]

RECEIVED  
MAY 12 2009  
TECHNICAL SUPPORT

Dated this 19<sup>th</sup> day of Feb

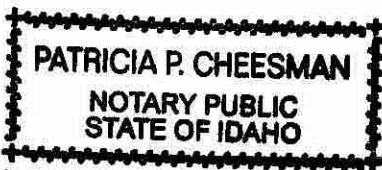
By: *Fred Sharp*  
Fred Sharp, Property Owner  
(Print Name)

STATE OF IDAHO )

)ss.

County of Kootenai )

On this 19<sup>th</sup> day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Fred Sharp, known or identified to be the person(s) whose name(s) is ~~(are)~~ subscribed to the within instrument, and acknowledge to me that they executed the same.



*Patricia P. Cheesman*  
Notary Public

Patricia P. Cheesman  
[Printed Name]

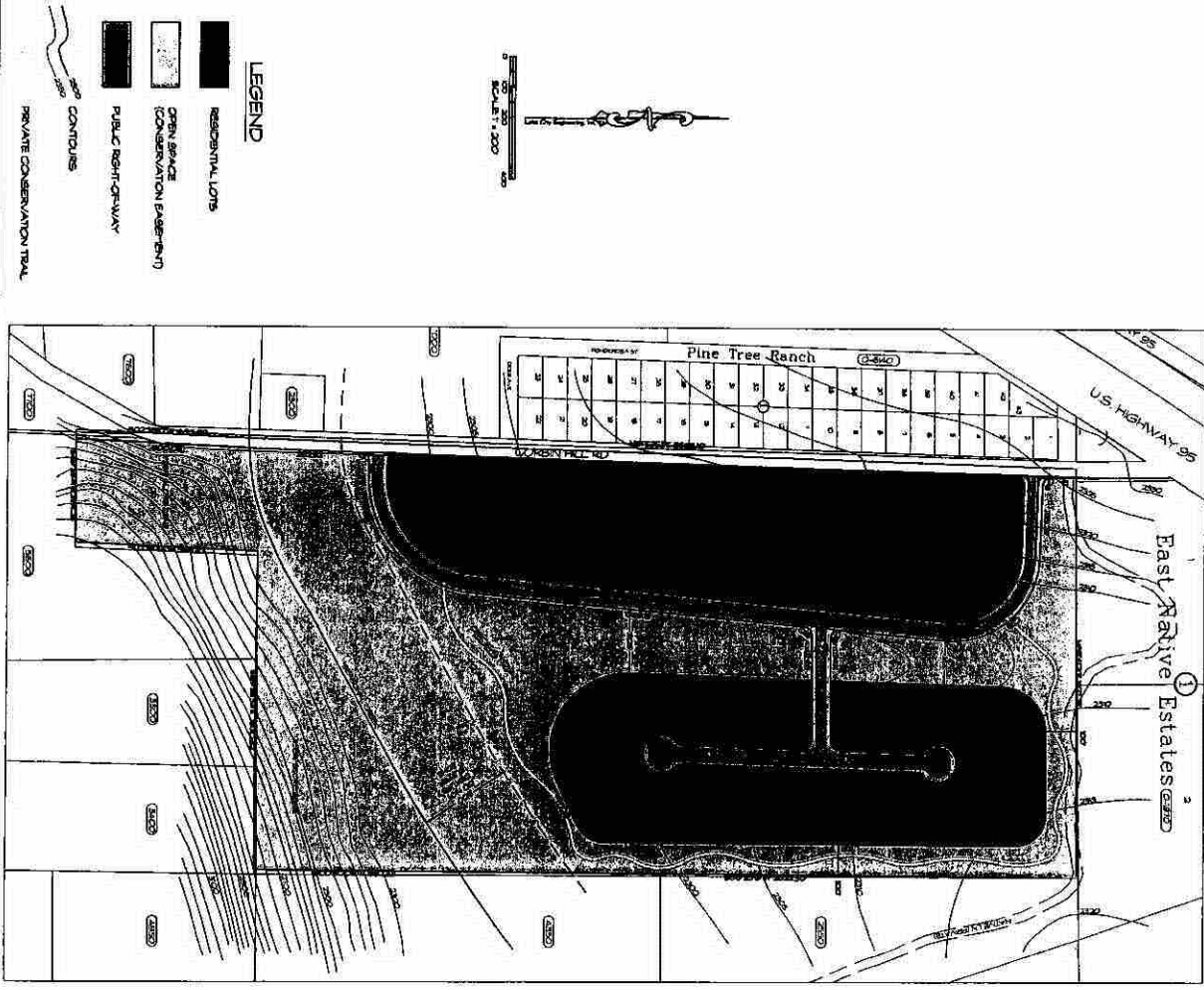
My appointment expires: 6/14/2013

[Seal or Stamp]

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TECHNICAL SUPPORT



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TECHNICAL SUPPORT

CORBIN HILL ESTATES '00S:  
PRELIMINARY CONSERVATION DESIGN SUBDIVISION  
A PORTION OF THE NORTHWEST QUARTER OF SECTION 4,  
TOWNSHIP 23 NORTH, RANGE 3 WEST, BOONE PRESTON  
KOOTENAI COUNTY, IDAHO

TRACT	ACRES	OWNER	STATUS
1	1.00	BOONE PRESTON	RESERVED
2	1.00	BOONE PRESTON	RESERVED
3	1.00	BOONE PRESTON	RESERVED
4	1.00	BOONE PRESTON	RESERVED
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100	1.00	BOONE PRESTON	RESERVED

**PROJECT MATRIX:**  
CONSERVATION SUBDIVISION  
APPROX. LOT SIZE: 1.00 AC  
LARGEST LOT SIZE: 1.00 AC  
SMALLEST LOT SIZE: 1.00 AC  
OPEN SPACE: 1.00 AC  
TOTAL ACRES: 1.00 AC  
TOTAL LOTS: 1.00 LOTS

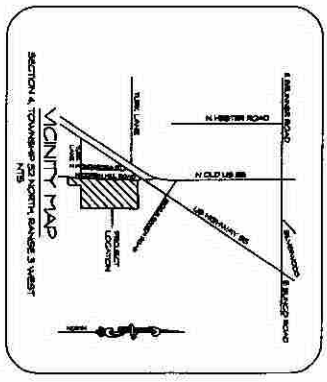
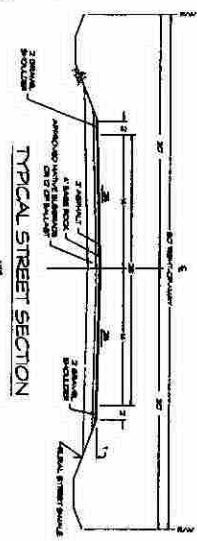
**PROJECT PROPOSER:**  
BOONE PRESTON  
1000 OPEN SPACE  
1000 OPEN SPACE  
1000 OPEN SPACE

**ENGINEER/SURVEYOR:**  
LACE CITY ENGINEERS, INC.  
500 NORTH HUNTER ROAD  
COLEDALE, ID 83424

**WATER PROVIDER:**  
NORTH KOOTENAI WATER DISTRICT

**SEWER PROVIDER:**  
NORTH KOOTENAI WATER DISTRICT

**NON-POINT SOURCE:**  
PER PAYABLE HEALTH DISTRICT  
REQUIREMENTS



CORBIN HILL ESTATES

PRELIMINARY CONSERVATION DESIGN SUBDIVISION



300 N. H. STREET RD.  
COLEDALE, IDAHO 83424  
TEL: 208.676.0320  
FAX: 208.676.0320

REV	DESCRIPTION	INITIAL	DATE
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84

NOTICE OF PUBLIC  
HEARING  
OF ANNEXATION OF  
PROPERTY  
INTO NORTH KOOTENAI  
WATER DISTRICT  
NORTH KOOTENAI WA-  
TER DISTRICT

Kootenai County, Idaho  
CORBIN HILLS ESTATES  
ANNEXATION

The Board of Directors (the  
"Board") of the North Kootenai  
Water District (the "Dis-  
trict") will be holding a public  
hearing on the annexation of  
property into the District. The  
public hearing will be held as  
follows:

Day: Thursday

Date: April 3, 2008

Time: 12:30 p.m.

Location: 1841 W. Hayden  
Ave., Hayden, ID 83835

The annexation hearing is  
based upon a petition filed by  
Michael R. Garrett, dated Feb-  
ruary 15, 2008, Randall G. Cox,  
dated February 15, 2008, and  
Fred Sharp, dated February  
19, 2008, (Corbin Hills Estates  
property). A copy of the Peti-  
tion and a description of the  
area covered by the Petition  
can be obtained from the Dis-  
trict by sending a request to:  
North Kootenai Water District  
P.O. Box 2290  
Hayden, ID 83835.

All persons interested in ap-  
pearing at the time and place  
of the hearing may show  
cause in writing why the Peti-  
tion for Annexation should not  
be granted. The Board shall  
consider, at the hearing, any  
objection presented in writ-  
ing. The failure of any person  
to show cause in writing shall  
be deemed as an assent to in-  
clude their property within the  
boundaries of the District.

Anyone wishing to provide  
written comments, who is un-  
able to attend the hearing, may  
provide them in advance of the  
hearing by sending them, first  
class mail, postage pre-paid,  
to:

North Kootenai Water District  
Attn: Secretary  
P.O. Box 2290  
Hayden, ID 83835

Failure to have your written  
comments to the Board in ad-  
vance of the public hearing  
means they will not be consid-  
ered by the Board at the public  
hearing.

DATED this 6th day of March,  
2008.

NORTH KOOTENAI WATER  
DISTRICT, Kootenai County,  
Idaho

By:  
Its: Secretary

Legal 2295  
March 20, 27, 2008

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.  
County of Kootenai,

Molly Stern being first duly sworn  
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

legal notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 20 day of March 2008 and ending on the 27 day of March 2008 and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Molly Stern

On this 27 day of March in the year of 2008, before me, a Notary Public, personally appeared Molly Stern, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

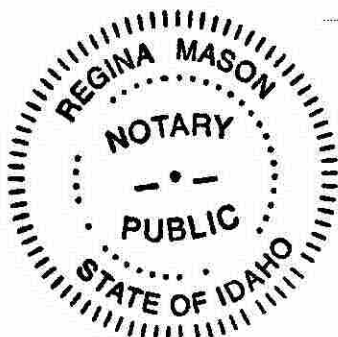
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09

RECEIVED

MAY 12 2009

TECHNICAL SUPPORT



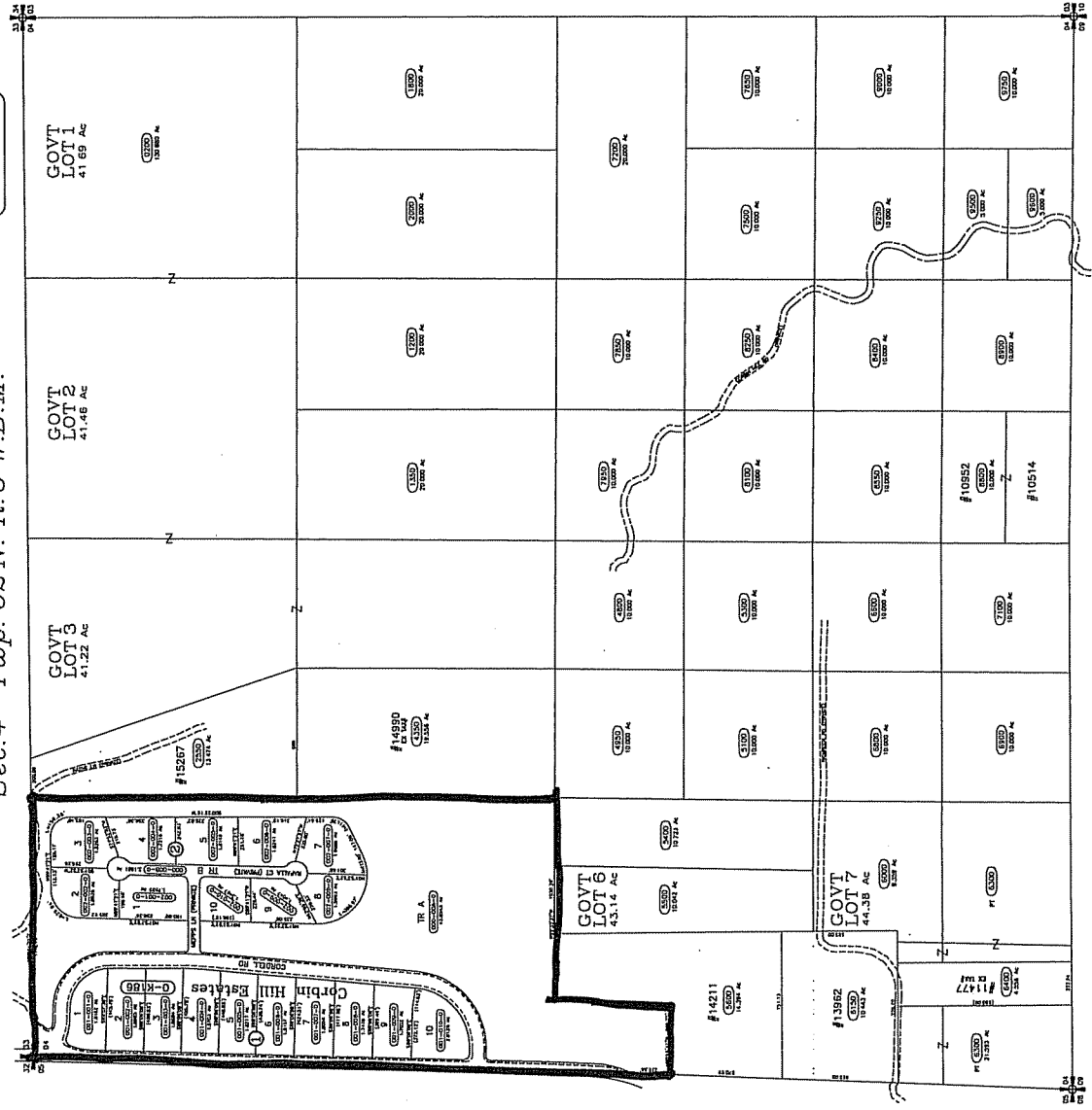
# SEGREGATION REVISIONS

The revision dates below represent the file row dates for the posting of the listed revisions. The revisions are posted within the ARCHIVE REVISIONS box in the drawing title block.

09/13/00 - VAC  
52N03W-04-5600 out of 9500 (01)  
05/14/04 - VAC  
52N03W-04-1200, 1350 & 1800 out of 2000 (05)  
02/25/09 - TH  
52N03W-04-3200, 3400, 3600 & 4000 pulled into CORBIN HILL  
ESTATES (09)

## Sec. 4 Twp. 52N. R. 3 W.B.M.

52N03W-04



<p>THIS DRAWING IS TO BE USED FOR THE PURPOSES OF RECORDING AND FOR THE PURPOSES OF RECORDING ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p>													
<p>ARCHIVE REVISIONS</p> <table border="1"> <thead> <tr> <th>REVISION</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>09-13-00</td> <td>VAC</td> </tr> <tr> <td>2</td> <td>05-14-04</td> <td>VAC</td> </tr> <tr> <td>3</td> <td>02-25-09</td> <td>TH</td> </tr> </tbody> </table>		REVISION	DATE	DESCRIPTION	1	09-13-00	VAC	2	05-14-04	VAC	3	02-25-09	TH
REVISION	DATE	DESCRIPTION											
1	09-13-00	VAC											
2	05-14-04	VAC											
3	02-25-09	TH											
<p>NOTES:</p> <p>1. ALL LOTS ARE TO BE USED FOR THE PURPOSES OF RECORDING AND FOR THE PURPOSES OF RECORDING ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p> <p>2. ALL LOTS ARE TO BE USED FOR THE PURPOSES OF RECORDING AND FOR THE PURPOSES OF RECORDING ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.</p>													
<p>REVISIONS OF SURVEY NAME:</p> <p>DATE:</p>													

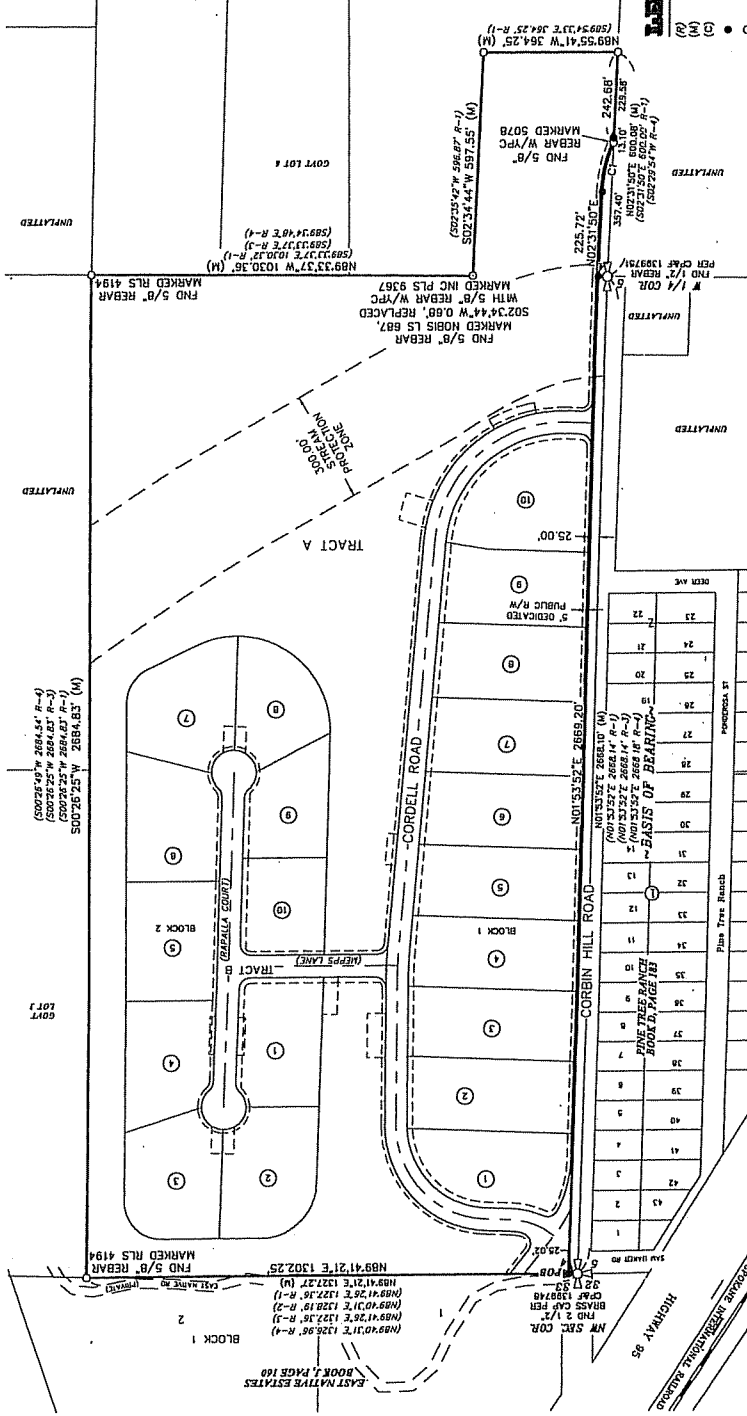
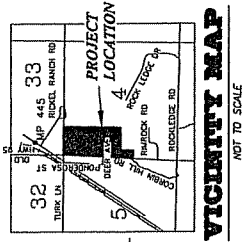
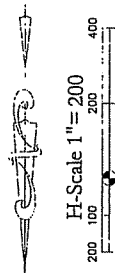
SCALE: 1 INCH = 400 FEET

Sec. 4 Twp. 52N. R. 3 W.B.M.

FILENAME: 52N03W-04-5600

# CORBIN HILL ESTATES

A PORTION OF GOVERNMENT LOTS 4 AND 5, AND A PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 4, TOWNSHIP 52 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO



## LEGEND

- (R) RECORDED
- (C) CALCULATED
- (M) MEASURED
- (P) PLASTIC CAP
- (S) SET 5/8" BY JO" REBAR WITH PLASTIC CAP
- (F) FOUND 5/8" REBAR W/ CAP MARKED NOBIS
- (L) LS 889 OR AS NOTED
- (C) COMPUTED POINT
- (S) SET 5/8" BY REBAR WITH 1/4" P
- (M) MARKED IN.C. P.L.S. 5357 ALUMINUM CAP

## NOTES

1. THERE WAS NO ATTEMPT MADE TO SHOW PHYSICAL EVIDENCE OF THE PRESENT OR SHOWN PLAT EXISTENCE, EXCEPT FOR THOSE THAT ARE SHOWN HEREIN.

## BASIS OF BEARING

BASIS OF BEARING FOR THIS SURVEY IS NOT 335°2' E ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 4, PER N-1, 3, 4.

## MONUMENTATION CERTIFICATE

I, CHAD J. JOHNSON, P.L.S. 9367, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY AND MONUMENT THE CORBIN HILL ESTATES PLAT AS A PLAT WITH THE SYMBOL "M" WILL BE SET BY MARCH 15, 2009 IN ACCORDANCE WITH IDAHO CODE 50-1303.

CHAD J. JOHNSON P.L.S. 9367  
DATE: 9-8-08

## REFERENCES

- R-1 RECORD OF SURVEY BY W. BRANT MORRIS PLS 6602 FILED IN BOOK 14 OF RECORDS, AT PAGE 85, RECORDS OF KOOTENAI COUNTY.
- R-2 RECORD OF SURVEY BY W. BRANT MORRIS PLS 6602 FILED IN BOOK 14 OF RECORDS, AT PAGE 100, RECORDS OF KOOTENAI COUNTY.
- R-3 RECORD OF SURVEY BY W. BRANT MORRIS PLS 6602 FILED IN BOOK 14 OF RECORDS, AT PAGE 200, RECORDS OF KOOTENAI COUNTY.
- R-4 RECORD OF SURVEY BY W. BRANT MORRIS PLS 6602 FILED IN BOOK 13 OF RECORDS, AT PAGE 100, RECORDS OF KOOTENAI COUNTY.
- R-5 RECORD OF SURVEY BY W. BRANT MORRIS PLS 6602 FILED IN BOOK 13 OF RECORDS, AT PAGE 140, RECORDS OF KOOTENAI COUNTY.

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
1	134.55	350.00	134.16	88.78
2	21.2242			



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CORBIN HILL ESTATES  
KOOTENAI COUNTY, IDAHO